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Letter dated 5 March 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Algeria submitted pursuant to resolution 1624 (2005).

I would be grateful if you could arrange for this letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Ricardo Alberto **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: French]

Letter dated 29 January 2007 from the Permanent Representative of Algeria to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In your capacity as Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) and on instructions from my Government, I have the honour to transmit to you herewith Algeria's report on implementation of the provisions of Security Council resolution 1624 (2005).

The Algerian Government requests that this report should be distributed as an official document of the Security Council.

(*Signed*) Youcef **Yousfi**
Ambassador
Permanent Representative

People's Democratic Republic of Algeria

Office of the President of the Republic

Algeria's national report on the implementation of Security Council resolution 1624 (2005)

Introduction

Pursuant to paragraph 5 of resolution 1624 (2005) concerning incitement to commit terrorist acts, adopted by the United Nations Security Council on 14 September 2005, Algeria hereby submits to the Counter-Terrorism Committee this report on measures taken within the framework of implementation of this resolution.

Since the inception of its counter-terrorism effort, Algeria has advocated a comprehensive approach to preventing and combating this problem. To that end, it has adopted a wide range of legal instruments that criminalize terrorist acts and justification of the commission of such acts and has banned all partisan activities contrary to constitutional order and to the indivisible values of the Algerian people in order to strengthen the nation's peace and stability.

In addition to legal, judicial and operational measures, the effort to combat transnational terrorism has made it necessary to take preventive action, including many initiatives in the areas of education, religion and communication to which Algeria has attached great importance in its strategy for preventing and combating terrorism.

These ideas form the basis of a framework of reference consisting of the policy of national peace and reconciliation advocated by the President of the Republic and endorsed by popular referendum, which reflects the political dimension of the counter-terrorism effort.

It is also within this framework and in a spirit of responsibility and respect for Algeria's international commitments that its relevant bodies have prepared this report, which provides an overview of the measures adopted and implemented in accordance with the letter and spirit of Security Council resolution 1624 (2005).

From the methodological point of view, these replies are provided in the order listed in the questionnaire prepared on the basis of the resolution.

1. Legislative framework for preventing and prohibiting incitement to commit terrorist acts

1.1 Suppression of incitement to commit terrorist acts

Pursuant to Ordinance No. 95-11 of 25 February 1995, Algeria's lawmakers amended and supplemented the Penal Code through provisions concerning all forms of justification, encouragement and financing of terrorist acts.

Thus, article 87 bis 4 of the Penal Code criminalizes the justification of terrorism and establishes penalties of 5 to 10 years' imprisonment and a fine of DA 500,000.

Article 87 bis 4 reads as follows: "Anyone who justifies, encourages or finances the acts covered by this section by any means shall be subject to 5 to 10 years' imprisonment and a fine of DA 100,000 to DA 500,000".

These penalties are also established in article 87 bis 5 of the Penal Code as punishment for any act of knowing reproduction or dissemination of printed documents or recordings that incite terrorist acts.

Article 87 bis 5 reads as follows: "Anyone who knowingly reproduces or disseminates printed documents or recordings that seek to justify the acts covered by this section shall be subject to 5 to 10 years' imprisonment and a fine of DA 100,000 to DA 500,000".

Furthermore, as part of the progressive development of legislation aimed at preventing incitement to commit terrorist acts, Act No. 01-09 of 26 June 2001, which amended and supplemented the Penal Code, in accordance with article 87 bis 10 of the Code, establishes a penalty of 3 to 5 years' imprisonment and a fine of DA 50,000 to 200,000 for "anyone who, through preaching or by any other action, conducts an activity contrary to the noble mission of the mosque or likely to undermine social cohesion or to seek to justify and advocate the acts envisaged in this section".

1.2 Recruitment of Algerian nationals to terrorist organizations

The creation of groups, organizations or associations for subversive ends or for the perpetration of terrorist attacks is combated in Algeria by legal means.

The recruitment abroad of any Algerian to a terrorist organization is punishable by law. Article 87 bis 6 of the Penal Code states that "any Algerian who is active or enrolled in a terrorist or subversive association, group or organization abroad, whatever its structure or name, even if its activities are not directed against Algeria, shall be subject to 10 to 20 years' imprisonment and a fine of DA 500,000 to DA 1,000,000".

Algeria has found other countries to be somewhat lax in this regard; over a long period of time, they have advocated a permissive attitude towards Algerian nationals who seek to justify and incite the commission of terrorist acts within its territory.

1.3 Measures taken to deny safe haven to persons considered guilty of incitement to commit terrorist acts

Algeria's legislation provides for the application of its criminal law to any offence committed in the territory of the Republic.

Its criminal law also applies to offences committed abroad which lie within the competence of Algeria's courts pursuant to the Code of Criminal Procedure.

In that regard, Algeria has always been in favour of strengthened cooperation concerning the extradition of persons found guilty of terrorist acts.

The conclusion of bilateral agreements on mutual legal assistance and extradition is the most appropriate way of giving full meaning to effective, determined cooperation in prosecuting the perpetrators of terrorist acts.

Algeria is also opposed to the granting of political asylum to terrorists, who often invoke political considerations in applying for documents allowing them to reside in host countries.

The Penal Code's scope of application has therefore been expanded to include the activities of Algerians residing abroad, even in the case of offences that are not directed against Algeria.

In that regard, it should be noted that the concept of "refuge" in the context of the defence of human rights does not apply to persons subject to persecution as defined in article 14 of the Universal Declaration of Human Rights.

However, this right cannot be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Furthermore, the various international instruments, and especially refugee law, exclude from the right to asylum the perpetrators of certain acts, including terrorist acts.

In practice, article 125 of the Code of Criminal Procedure grants the Algerian courts jurisdiction over transnational crimes. The examining magistrate may order pretrial detention for a period of four months, with the possibility of extension until the parties concerned have gathered the proof needed to support the accusation.

Article 125 bis (Act No. 01-08 of 26 June 2001) states:

"In the case of crimes defined as terrorist acts or as subversive, the examining magistrate may extend the pretrial detention five times in the manner described in article 125-1.

In the case of transnational crimes, the examining magistrate may also request the indictment division to extend pretrial detention within the month preceding its expiration, as described in article 125-1. Two such requests may be made.

If the indictment division decides to extend pretrial detention, each extension may not exceed four months and the total length of pretrial detention may not exceed 12 months."

2. Strengthening border security

The border police work closely with all Algerian security services under the authority of the judiciary and cooperate with the police on a bilateral basis or through the International Criminal Police Organization (Interpol).

Measures governing the conditions for the entry and stay of aliens in Algeria are established in Ordinance No. 66-211 and Decree No. 66-212 of 21 July 1996 concerning the situation of aliens.

In addition to the measures envisaged in this Ordinance, Algeria has ceaselessly alerted the international community to the transnational nature of terrorism and the threat that it poses to all countries.

Although the international community has become aware of the dangers of the terrorist scourge, Algeria continues to encounter obstacles when it comes to incorporating these proposals into appropriate legislative and operational provisions.

Algeria has nonetheless made international cooperation one of the underpinnings of its effort to prevent and combat terrorism. In the context of strengthened border security, this has been done by:

- Exchanging information on the perpetrators of incitement to commit terrorist acts;
- Ensuring cooperation between the Interpol National Central Bureaus (NCBs);
- Maintaining police files on persons wanted under national or international arrest warrants issued by the competent judicial authorities for the crimes of terrorism and other related crimes and misdemeanours;
- Arresting individuals suspected of terrorist activity upon entry into the national territory and bringing them before the competent judicial authorities so that their situation can be examined;
- Cooperating in order to strengthen international cooperation concerning the extradition of individuals convicted of terrorist acts; and
- Adopting bilateral agreements on mutual legal assistance and extradition as the most appropriate way of ensuring meaningful cooperation that is both effective and focused. Algeria has submitted several draft agreements and is in the process of negotiating with all its partners with a view to concluding these agreements and implementing them.

Furthermore, in order to allow the Algerian authorities to cooperate effectively with their foreign partners:

- Databases linked to the files of the police, which is responsible for disseminating identification information on individuals wanted for the commission of offences to all border posts and operational services, have been developed;
- Some border posts have been provided with specific equipment for the detection of forged travel documents;
- The National Forensics and Criminology Institute (IRCC) has been established with a mandate to enhance investigation and research methods and resources in order to combat new forms of crime, including the forgery of travel and identity documents; and
- An Automatic Fingerprint Identification System (AFIS), which provides a database comprising the fingerprints of arrested persons, has been implemented, including within the framework of the counter-terrorism effort.

3. Promotion of dialogue, the values of tolerance and respect for others and mutual understanding among civilizations, cultures and religions

3.1 Government activities

The need to prevent and combat incitement to commit terrorist acts has involved all sectors of Government, including education, culture, religious affairs and worship, and communication. These sectors have been made increasingly aware of the need for a coherent response, based on appropriate strategies and with clearly identified goals, in order to prevent and combat the extremism, fanaticism and intolerance that foment radicalization and terrorist violence.

(a) Education

The fundamental right of citizens to an education is one of the essential keys to building a culture of peace and tolerance in accordance with the provisions of the Constitution.

The education system seeks to give children an education that emphasizes values, attitudes and behaviour so that they can learn to resolve any dispute peaceably and in a spirit of respect for human dignity, tolerance and non-discrimination.

Algeria's curricula, developed for young people at an age when they are both the most receptive and the most vulnerable, focus on increasing their awareness of the nation's values and awakening them to the universal values, through the different subject matters taught, in order to give them "citizenship know-how" while still in primary school.

Thus, the curricula fall within the framework of the universal values of tolerance, respect for others and rejection of all forms of discrimination, including that based on race, sex, language or religion. These values, moreover, have an integral place among the fundamental principles of Islam and have always been part of Algerian culture.

Civics education is a key subject. Once called "social education", it was introduced in the third grade; since 1998, however, it has been taught from the first grade on.

The curricula of religious schools were first reviewed in 1998. New textbooks, which focus on the values of peace and tolerance and are fully consistent with the content of civics education curricula and textbooks, have been prepared.

In addition, as a consequence of the recommendations made by the national commission for the reform of the education system at the initiative of the President of the Republic, these elements are now incorporated into all subjects and activities throughout the curriculum. To that end, within the framework of cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Committee of the Red Cross (ICRC), programmes that promote human rights and international humanitarian law have been included in the curriculum.

A human rights education programme has also been introduced in cooperation with the European Commission.

At the same time, the various sports, cultural and artistic activities and participation in local, national and international scientific events and competitions are of direct or indirect assistance in strengthening education in peace and tolerance and preventing all forms of violent radicalization and extremism.

(b) Religious affairs and worship

(i) Algeria's religious institutions attach great importance to their mission of reappropriating the essential spiritual heritage of the Algerian nation through the universal message of the Holy Koran and the (Sunna) tradition of the prophet (may peace be upon Him) and are engaged in a process of intrastructural change in order

to lay a firmer foundation for the role played by the clergy, both in the mosques and in their social and cultural environment.

To that end, it has been agreed to make sweeping changes in the rules and practices governing the management of religious affairs by:

- Reappropriating the tenets of our religion, which are a fundamental source of any harmonious development of religious thought and are indispensable tools for dissemination of the religious teachings of our holy, true religion, in order to counter the profusion of imported heterodox dogmas which promote extremist movements that pose a threat to our social cohesion and fly in the face of our society's values;

- Enhancing the regulations that define competence concerning, and the organization and management of, places of worship; these apply both to religious associations, which are called upon to cooperate in the construction and maintenance of mosques, and to the responsibilities of imams in their preaching and in their efforts to protect and safeguard the sanctity of places of worship while avoiding any undue interference or activities contrary to public order;

- Investing in human resources, following an ambitious programme involving a review of teaching materials, training and retraining in order to bring religious institutions and schools up to standard;

- Ensuring intersectoral coordination through the laws and regulations governing the establishment of religious associations and methodologies for the management, organization and inspection of places of worship;

- Reviewing our religious tenets on the basis of the secular dogma of the Maliki rite, which advocates a middle ground and is the common cultural heritage of the entire Maghreb;

- Regulating preaching, durus (lessons) and halaqat (seminars) in the mosques, which are entrusted to authorized persons of recognized integrity and merit in the social, university, cultural and religious spheres of the community;

- Organizing colloquiums and seminars on the Holy Koran under the aegis of the President of the Republic in order to promote the reading and chanting of the Holy Koran and Koranic exegesis. These colloquiums take the form of lecture series by noted legal experts, followed by debates on topics of interest; they are related to current national and international concerns and are based on a genuine understanding of religion and a spirit of tolerance and respect for others; and

- Within a multicultural framework, through a reading advisory committee, contributing to the exchange of views on the importations of religious publications in order to prevent the sale of works that seek to justify terrorist and subversive acts and advocate actions motivated by extremism and intolerance.

In that connection, scientific advice is provided to various religious institutions that are responsible for issuing fatwas (legal advisory opinions) in order to interpret, and to enlighten believers concerning, all issues of general interest.

(ii) The principle of freedom of conscience is enshrined in article 36 of the Constitution and the right to practice religions other than Islam is regulated by Ordinance No. 06-03 of 28 February 2006; article 2, paragraph 2 stipulates that "the State also guarantees tolerance and respect among religions".

Religious freedom, a source of mutual respect and social cohesion, is an integral part of the organic fabric of our society, together with the interreligious and cultural dialogue that is vital to understanding between people, without any sense of superiority or discrimination in respect for the beliefs of each person.

In that regard, out of respect for communities that follow a religion other than Islam, the State pays a portion of the salaries of the clerical staff of churches, parishes, synagogues and other places of worship.

(c) Culture

As a vehicle for national identity and a medium for expression of the creative genius of the Algerian people, the culture sector has taken a number of measures in order to contribute to the national effort to prevent and combat terrorism and to inculcate the ideas of peace and tolerance.

Through a policy of openness and expansion of the forums for cultural expression, a strategy of sustained prevention and combat has been implemented as a shield against the evil machinations of fundamentalism and radicalization.

Areas in which prevention activities in the field of culture have been implemented include the following:

- Cinematography: Several films have been produced as part of a campaign against fundamentalism and obscurantism. These films denounce outdated thinking and intolerance and show Algerians' opposition to terrorism;
- Theatrical productions: Several plays have been produced; they promote the ideas of tolerance, respect for others and rejection of all forms of extremism;
- Festivals, symposiums and colloquiums have been organized in order to promote cultural diversity; one of these, an international colloquium on Saint Augustine, was an occasion for active renewal of our support for the other cultures of the world and for the common heritage of the Mediterranean region; and
- Within the framework of efforts to preserve the intangible heritage, the culture sector has encouraged several projects aimed at the zawiahs (religious schools), important cultural sites at which the ancestral spirituality of Muslim humanism is expressed.

In addition, activities such as the following have been initiated jointly by the Ministry of Culture and other bodies:

- A plan to establish, in cooperation with the Ministry of the Interior, a library in each commune and 11 annexes of the national library within the country;
- The establishment of several cultural centres, a culture dissemination agency, the Arab Manuscript Centre, a museum of modern art and four cultural centres, in addition to the 30 existing centres;

- The allocation of 2.5 billion centimes in funding for cultural associations for 2005; this funding was renewed for 2006; and
- The allocation of three million centimes to a major funding project that will disseminate theatrical productions throughout the national territory.

(d) Communications and the media

The field of communications serves as a catalyst for all the aforementioned sectors in preventing and combating the incitement and justification of acts of terrorism.

Thus, the media are the key players in mobilizing citizens against acts of intolerance, extremism and terrorist violence.

In that regard, Algeria's Information Code (Act No. 90-07 of 3 April 1990, arts. 35 and 40) requires "strict respect for ethics and moral values, including by prohibiting attempts to justify violence, intolerance and racism ...".

In the field of communications, the measures taken focus on support for the media in their role of promoting the culture of peace and disseminating objectively analysed information in order to promote understanding and mutual solidarity.

These activities have been publicized and promoted through, inter alia, the following measures:

- Algeria's radio and television broadcasters have been mandated to give new impetus, through radio programmes, to the effort to combat incitement to hatred and violence. This attitude is particularly encouraged in the content of children's programmes. The developers of this type of programme seek to convey the need to spread the culture of peace and tolerance and to combat all forms of xenophobia and violence against others. In this connection, it should be stressed that the national radio station has a network of 30 regional stations and broadcasts the equivalent of 500 hours per day, of which 20 per cent is devoted to programmes that address the need to prevent and combat the incitement and justification of terrorist acts; and
- The Algeria National Television Corporation (ENTV), which has demonstrated its ongoing commitment to preventing and combating extremism and terrorism, plans to launch three special-interest channels, which will certainly ensure the dissemination of programmes that promote the effort to prevent and combat incitement to hatred and violence, during the first quarter of 2007.

In light of the danger posed by the use of new communication technologies, including the Internet, which can convey messages that advocate hatred and violent radicalization, action has been taken and measures adopted in order to protect the public, and particularly young people, from this phenomenon.

One such project involves the creation of a website, which will address various religious topics and will be available to people who are eager to gain access to proved knowledge; this will enhance productive dialogue that will promote the full enjoyment of spiritual and cultural specificities.

With respect to cybercrime, although the Penal Code was amended in 2004 in order to criminalize attacks on automated data processing systems, these

amendments do not yet cover other types of terrorism-related offences that may use information technology such as the Internet.

This category of offences includes, inter alia, attempts to justify the commission of terrorist acts and exchange of information between groups; it is the subject of a draft law, still under preparation, which will allow the competent authorities to take preventive action (cyberspace monitoring).

3.2 International cooperation

Dialogue with partners at the bilateral, regional and international levels is an integral part of Algeria's approach to combating radicalization and terrorist violence.

Within this framework, Algeria supported proposals to proclaim 2000 the United Nations Year of Dialogue among Civilizations.

- Algeria's actions are illustrated by the activities of the President of the Republic, who participated in person in the high-level meetings held on the sidelines of the fifty-sixth session of the United Nations General Assembly and in Madrid, in March 2004, in order to promote an alliance of civilizations.

  The Head of State also took part in a UNESCO Conference on the Dialogue among Civilizations, Cultures and Peoples, held in Paris in April 2005, to which he made an important contribution, including a statement and participation in the debate.

- Within the Organization of the Islamic Conference, Algeria has helped to enhance the debate on the dialogue among civilizations and interreligious dialogue, including at the Extraordinary Session of the Islamic Summit, held on 7 and 8 December 2005 in Makkah Al-Mukarramah; the final declaration of that event urged member States to disseminate the true Islamic values of peace and mutual understanding.

- In the context of Europe and the Mediterranean, Algeria participated actively in the establishment of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures, headquartered in Alexandria, which it has helped fund.

- At a meeting held in February 2006, held within the framework of follow-up to the Euro-Mediterranean Partnership and devoted primarily to developments in the "Cartoon Crisis", Algeria proposed that the issue of dialogue, rapprochement and intercultural exchange between Europe and the Mediterranean should be included permanently in the agenda of Partnership meetings.

- Algeria is also in favour of Russian President Vladimir Putin's initiative in establishing the Strategic Vision Group for Russia and the Islamic World, which is mandated, inter alia, to promote dialogue between cultures and religions through concrete action.

4. Ensuring that measures taken in order to prevent and combat incitement to commit terrorist acts are consistent with human rights and international humanitarian law

Algeria's public authorities are working to prevent and combat incitement to commit terrorist acts and attempts to justify terrorism within the framework of domestic law and in a manner consistent with Algeria's international commitments. Such action is essential to the continuing effort to strengthen the rule of law.

The authorities ensure that measures designed to safeguard public order and protect people and property from the threat of terrorist crime are taken within the law and with respect for commitments arising from the various international instruments for the protection of rights and fundamental freedoms.

It should be borne in mind that Algeria is a party to almost all the international conventions related to human rights and international humanitarian law and that its international commitments under those instruments take precedence over domestic law.

In its decision of 20 August 1989, the Constitutional Court confirmed the constitutional principle that international treaties, once duly ratified and published in the Official Gazette, take precedence over domestic law; thus, any citizen is authorized to invoke them in Algeria's courts.

At the international level, efforts must be made to avoid calling into question in any way the right of peoples to self-determination and their right to resist occupation in order to recover their legitimate national rights.

Conclusion

The persistence of new threats and the proliferation of terrorist groups with links to transnational organized crime have led the international community to develop additional means of combating perverted types of indoctrination and the dissemination of subversive publications by groups and individuals who seek to justify terrorism and terrorist acts and who provide an ideological and religious basis for the legitimation of terrorist activity.

Thus, operational cooperation and specific complementary monitoring measures are needed. This is a shared challenge to be met by involving, and ensuring the participation of, all sectors of civil society in its diversity and its plurality.

This means that the educational, religious and cultural dimension of the counter-terrorism effort is now taking on its full meaning; it helps strengthen both the dialogue among civilizations and cultures and understanding among peoples and nations.

The nature, focus and quality of the dialogue between nations and peoples will depend on the degree to which the moral authority and substance of the messages transmitted by educators, the clergy and intellectuals are strengthened.

Their involvement in this effort to lay a new foundation for human relations, and their influence on their respective communities, augur well for the success of this dialogue and for the establishment of a relationship of trust and serenity within societies.

However, it is recognized that in the face of new threats, only renewed international cooperation will make it possible to prevent and combat effectively activities that sow ideas of violence and hatred among unemployed young people with no prospects for the future.

Under these circumstances, it is the responsibility of individual States, and of the international community as a whole, to set up a mechanism for preventing and deterring influential groups from inciting terrorist acts with the help of funding from hidden sources and publications that focus on violence and lawbreaking.

It is in this spirit that Algeria remains convinced of the need for the international community to assume genuine responsibility, within a framework of effective cooperation, for:

- Criminalizing efforts to justify acts of terrorism and incitement of terrorist acts by any information and communications medium;
- Prohibiting and criminalizing the printing, publication and dissemination of bulletins, communiqués and tracts, which seek to justify terrorist crimes that pose a threat to the interests and security of one or more States; and
- Enacting a legal framework for the right of asylum and the protection of freedom of expression, including through the Internet, in order to prevent them from being misused in the service of terrorist plots.

States have a significant role to play in this regard.

Through determined human and financial support and in cooperation with civil society, the focus should be on the measures that States should take in order to develop multidisciplinary programmes that embody the fundamental concepts of human rights and a culture of peace; this, in turn, will create awareness of the dangers of extremism and exclusion and of the harmful consequences of violence and terrorism for the security and stability of nations.